

## JONES DAY

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January 25, 2021

### VIA ECF

Hon. Paul A. Engelmayer  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *MDA Manufacturing, Inc. v. Mexichem Fluor Comercial S.A. De C.V.*,  
Civil Action No. 20-cv-03835  
Plaintiff's Letter Motion to Partially Seal Memorandum in Support of Plaintiff's  
Motion to Dismiss Counterclaims and to Strike Certain Affirmative Defenses

Dear Judge Engelmayer:

I write on behalf of Plaintiff MDA Manufacturing, Inc. ("MDA") in the above-captioned action. MDA respectfully requests an Order, similar to the Court's previous Orders (*see* ECF Nos. 1, 8, 23, and 34), granting MDA leave to (i) file under seal the unredacted version of MDA's Memorandum in Law in Support of its Motion to Dismiss Defendant Mexichem Fluor Comercial S.A. De C.V.'s Counterclaims and to Strike Certain of Mexichem's Affirmative Defenses (the "Memorandum"), and (ii) file a redacted public version of MDA's Memorandum. An unredacted version of MDA's Memorandum, which highlights in yellow the portions that MDA proposes to redact from the public version, is enclosed herewith.

As noted in our previous letter motions (*see* ECF Nos. 1, 20, and 29), there are two primary reasons for MDA's request to file its Memorandum under seal. First, the relevant long-term supply contract (the "Contract") and its terms, which are referenced throughout MDA's Memorandum, are subject to a confidentiality obligation. Specifically, Section 12 of the Contract requires both parties to keep the Contract and its terms "strictly confidential." Second, the Contract contains competitively sensitive pricing information, which is necessarily referred to in MDA's Memorandum, and public disclosure of that information would cause harm to MDA.

MDA has sought to minimize its proposed redactions, limiting them only to those portions that refer to confidential information. MDA therefore respectfully asks the Court to endorse this letter, and to permit MDA to file an unredacted version of its Memorandum and to allow MDA to file publicly the redacted version of that Memorandum.

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We appreciate your attention to this matter.

Respectfully submitted,

*/s/ Allison L. Waks*

Allison L. Waks

cc: Theodore M. Grossman, Esq.  
Michael A. Platt, Esq.  
Joseph H. Walsh, Esq.  
Debbie McComas, Esq.  
Joseph Lawlor, Esq.

Enclosure

Granted.

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge

January 27, 2021